

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 09-1988**

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In Re: VICTOR PERKINS,

Petitioner.

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On Petition for Writ of Mandamus.  
(5:09-hc-02073-BO)

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Submitted: October 15, 2009

Decided: October 19, 2009

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Before SHEDD and AGEE, Circuit Judges.\*

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Petition denied by unpublished per curiam opinion.

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Victor Perkins, Petitioner Pro Se.

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Unpublished opinions are not binding precedent in this circuit.

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\* The opinion is filed by a quorum pursuant to 28 U.S.C. § 46(d).

PER CURIAM:

Victor Perkins petitions for a writ of mandamus, alleging the district court has unduly delayed acting on his petition for a writ of habeas corpus. He seeks an order from this court directing the district court to act. Our review of the docket sheet reveals that after Perkins filed the petition in this court, the magistrate judge returned the habeas corpus petition to Perkins for failing to include an original signature. Accordingly, because the magistrate judge has recently acted upon Perkins' case, we deny the mandamus petition as moot. We grant leave to proceed in forma pauperis. We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

PETITION DENIED